

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gunther Hofmann

Application No.: 10/536,489

Confirmation No.: 6889

Filed: December 2, 2003

Art Unit: 1722

For: DEVICE FOR THE PRODUCTION OF
TRANSVERSELY RIBBED PIPES

Examiner: J. Leyson

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated June 27, 2006, please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 4 of this paper.

AMENDMENTS TO THE SPECIFICATION

[0006] An apparatus of the kind set forth in the opening part of this specification is also known from US No 3,28-0,430. In that known apparatus adjustment of the direction-changing wheels is also effected by hand.

AMENDMENTS TO THE CLAIMS

1. (Currently amended) An apparatus for the production of transversely ribbed tubes, comprising:

mold jaw halves which are circulatingly movable in a condition of bearing against each other along two guide paths by means of a respective associated drive device, wherein the two guide paths have a common mold section, a respective return section and two respective direction-changing sections, wherein the respective direction-changing section has a direction-changing member provided with an arcuate guide edge for the mold jaw halves;

wherein the respective direction-changing member comprises a low-wear plastic material and is linearly movably guidedly arranged on a base element fixed with respect to the ~~machine~~-apparatus and is connected to a compensating device which is compensating for a tolerance play, which is dependent on the temperature and/or the speed of the mold jaw halves, which circulate along the associated guide path wherein the respective direction-changing member is provided with a clothoid-like guide edge for the associated mold jaw halves.
2. (Previously presented) The apparatus as set forth in claim 1, wherein the compensating device has an air spring which can be subjected to the action of compressed air.
3. (Previously presented) The apparatus as set forth in claim 1, wherein the plastic material has oil inclusions.

REMARKS

The following issues are outstanding in the pending application:

- Claims 1-3 are rejected under 35 USC § 112; and
- Claims 1 and 3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting.

Amendment to Specification

Paragraph [0006] has been amended to correct a typographical error in U.S. Patent No. 3,280,430. No new matter has been added as a result of this amendment.

Amendment to Claims

Claim 1 has been amended to more clearly point out and distinctly claim the subject matter of the present invention. No new matter has been added as a result of this amendment.

35 USC § 112

Claims 1-3 have been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the present invention. Claim 1 has been amended to recite “the apparatus” rather than “the machine.” Antecedent basis for the term “apparatus” is found in the preamble. Applicant respectfully submits that this rejection has been removed.

Double Patenting

Claims 1 and 3 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-8 of co-pending Application No. 10/537,044 in view of Antrobus (U.S. Pat. No. 3,280,430).

Applicant is submitting with the response a terminal disclaimer in compliance with 37 CFR 3.73(b). In view of the terminal disclaimer which removes the primary reference of Application No. 10/537,044, Applicant submits that the secondary reference falls. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the

outstanding rejection of claims 1 and 3 as being provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-8 of co-pending Application No. 10/537,044 in view of Antrobus.

CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

A Terminal Disclaimer fee is being submitted with response. However, if additional fees are due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03171US0 from which the undersigned is authorized to draw.

Dated: September 27, 2006

Respectfully submitted,

By 

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